

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFERY MARTIN JANES,

Defendant.

Case No. CR09-112-RSL

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on April 4, 2013. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Bruce Miyake, and defendant was represented by Dennis Carroll. Also present was U.S. Probation Officer Rick Cowan. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on October 2, 2009, by the Honorable Robert S. Lasnik for Felon in Possession of a Firearm, Possession of a Machine Gun, and making Counterfeit United States Currency. He received 36 months of detention and 3 years of supervised release.

On March 21, 2012, the Court approved a no action report which charged the defendant with using prescription opiate narcotics on or before March 7, 2012.

1 On August 6, 2012, the Court approved a no action report which charged the defendant
2 with using heroin on or before June 25, 2012, and using amphetamines on or before June 27,
3 2102. Based on this violation, the defendant agreed to participate in the moral Reconciliation
4 Therapy Program.

5 On December 21, 2012, a violation report and request for warrant was requested after the
6 defendant used amphetamines, failed to report for urinalysis testing, and failed to participate in
7 substance abuse treatment. The warrant was approved and on December 23, 2012, the defendant
8 self surrendered to the local jail. On December 26, 2012, he made his initial appearance,
9 admitted the violations and was detained. On January 17, 2013, he was sanctioned to credit for
10 time served followed by 24 months supervised release. He was released from custody and began
11 his second term of supervised release on January 17, 2013.

12 PRESENTLY ALLEGED VIOLATIONS

13 In a petition dated March 7, 2013, U.S. Probation Officer Angela M. McGlynn alleged
14 that defendant violated the following conditions of supervised release:

- 15 1. Failing to report for urinalysis testing as directed on or about February 26, 2013.
- 16 2. Using amphetamines on or before February 27, 2013, in violation of standard
17 condition 7.
- 18 3. Violating a No Contact Order on or before March 7, 2013, in violation of the
19 special condition that orders the defendant to not commit another federal, state, or
20 local crime.
- 21 4. Failing to pay the special assessment as instructed by the probation office in
22 violation of special condition that requires the defendant to pay the \$400.00
23 special assessment as directed by the probation officer.

1 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

2 Defendant admitted the above violations, waived any hearing as to whether they
3 occurred, and was informed the matter would be set for a disposition hearing May 17, 2013, at
4 9:30 a.m. before District Judge Robert S. Lasnik.

5 **RECOMMENDED FINDINGS AND CONCLUSIONS**

6 Based upon the foregoing, I recommend the court find that defendant has violated the
7 conditions of his supervised release as alleged above, and conduct a disposition hearing.

8 DATED this 4th day of April, 2013.

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BRIAN A. TSUCHIDA
United States Magistrate Judge
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